

REMARKS

Claims 25-47 are pending. Claims 44 and 46 are withdrawn from consideration. Claim 38 is amended.

Amendment to the Claim 38

The amendment to claim 38 are supported, *inter alia*, by the specification at page 18, second full paragraph. Claim 38 is amended to speed up prosecution and without prejudice or disclaimer of the original subject matter claimed therein. No new matter is added by way of this amendment. The applicants reserve the right to pursue any cancelled subject matter in a continuation application.

Rejections under 35 U.S.C. §112, second paragraph

Claims 25-43, 45 and 47 are rejected under 35 U.S.C. §112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The Examiner considers the term "long" as used to describe "long chain polymer surfactant component" in claims 25 and 45 to be vague. Applicants respectfully disagree. Applicants discuss long chain surfactants at length in the specification, including at pages 15 to 17. In particular, on page 15, line 8-9, the applicants give representative examples of such surfactants. The applicants also define these surfactants as those having a high molecular weight (>1000).

The Examiner rejects claim 38 because of the reference to the GRAS list. Applicants respectfully disagree but have amended claim 38 to speed up

prosecution and without prejudice or disclaimer of the original subject matter claimed therein.

In view of the amendment and arguments presented above, applicants request that the Examiner withdraws the rejections under 35 U.S.C. §112, second paragraph.

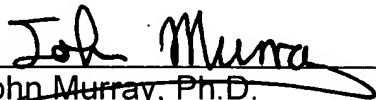
Double Patenting Rejection

Claims 25-43, 45 and 47 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 and 1-17 of U.S. Patent Numbers 6,623,765 and 6,638,537 respectively. The applicants disagree. To speed up prosecution and without prejudice or disclaimer of the subject matter claimed therein, the applicants attach a Terminal Disclaimer and respectfully requests that the double patenting rejection be withdrawn.

Applicants submit that the claims are now in condition for allowance. If, for any reason, the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorney at (312) 321-4229.

Respectfully submitted,

Dated: **FEBRUARY 28, 2007**


John Murray, Ph.D.
Registration No. 44,251
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
Telephone: (312) 321-4229